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March 30, 2015

Senator Eric Coleman, Co-Chair  
Representative William Tong, Co-Chair  
Judiciary Committee  
Room 2500, Legislative Office Building,  
Hartford, CT 06106

**Re: Testimony in Support of Raised Bill No. 1127, An Act Concerning Mandatory Minimum Sentences for Children Tried as Adults**

Dear Senator Coleman, Representative Tong and Committee Members:

The CCDLA is a not-for-profit organization of approximately three hundred lawyers who are dedicated to defending persons accused of criminal offenses. Founded in 1988, the CCDLA is the only statewide criminal defense lawyers' organization in Connecticut. An affiliate of the National Association of Criminal Defense Lawyers, the CCDLA works to improve the criminal justice system by insuring that the individual rights guaranteed by the Connecticut and United States constitutions are applied fairly and equally and that those rights are not diminished.

**The CCDLA strongly supports the passage of Raised Bill No. 1127, An Act Concerning Mandatory Minimum Sentences for Children Tried as Adults.** This is an important and timely bill that reflects Connecticut's evolving legislative policy concerning the appropriate treatment of children in our criminal justice system. The bill would allow a judge in adult court to depart from a statutory mandatory minimum sentence for a child between the ages of 14 and 17 if the Court finds good cause for such treatment. This proposal does not eliminate mandatory sentences for juveniles facing charges in adult court but instead provides flexibility where it is warranted and clearly demonstrated. As noted by Chief Public Defender, Susan O. Storey, in her testimony, this bill does not eliminate mandatory minimum sentences for juveniles; alter the range of possible sentences that could be imposed; prevent a court from imposing a mandatory minimum or greater sentence; modify/eliminate probation, special parole, or registration requirements; and is only applicable to children who are between the ages of 14 and 17.

In recent years, in contemplation of the myriad of neuroscience findings concerning adolescent brain development our legislature has take steps to reform our juvenile justice system.

Three significant U.S. Supreme Court rulings form the backdrop for this trend: In 2005, Roper v. Simmons abolished the death penalty for children; in 2010 Graham v. Florida prohibited mandatory life without parole for non-homicide offenses; and most recently in 2012 in Miller v. Alabama mandatory life without parole sentences for juvenile homicide offenses were barred. In all three of these cases the Court cited adolescent brain research in support of the conclusion that juveniles, because of their developmental immaturity, are presumptively less culpable than adults. Raised Bill No. 1127 is another step in the right direction for juvenile justice reform because it codifies our understanding that most children are extraordinarily capable of growth and rehabilitation and that judges should retain the discretion to deviate from mandatory minimum sentences in certain situations. This proposal allows judges to look at each offender individually to fashion the most appropriate sentence in any given case.

Additionally, this bill is important in practical terms since defense counsel will be better able to protect a juvenile client from the coercive effect of the prospect of a mandatory sentence. With this proposal juvenile offenders will still face potential mandatory terms of imprisonment but at least they will have an opportunity to demonstrate reasons for alternative sentences. Adolescents are not adults and even when they face prosecution in adult court for serious offenses, they should not be subjected to blanket mandatory sentencing schemes that are designed for adult offenders who, unlike juveniles, may lack the potential for growth and rehabilitation.

The CCDLA strongly urges the passage of **Raised Bill No. 1127, An Act Concerning Mandatory Minimum Sentences for Children Tried as Adults** for all the reasons stated above. If you have any questions please feel free to contact me at 860-655-9434.

Respectfully submitted,



Elisa L. Villa, President  
CCDLA